
**Rural Development, Agriculture &
Natural Resources Committee**

HB 2086

Brief Description: Concerning aviation assurance funding in response to wildland fires.

Sponsors: Representatives Dye, Sutherland and Graham.

Brief Summary of Bill

- Creates the Aviation Assurance Funding Program (Program) within the Washington State Conservation Commission for the purpose of assisting local fire suppression entities with defraying the cost of contracting for private aerial fire response capabilities during the initial attack phase of fighting a wildland fire.
- Establishes criteria for the award of funding pursuant to the Program.

Hearing Date: 1/28/22

Staff: Robert Hatfield (786-7117).

Background:

Washington State Conservation Commission.

The Washington State Conservation Commission assists and guides Washington's 47 conservation districts, which are political subdivisions of the state, as they work with local communities to conserve renewable natural resources.

Local Wildland Fire Liaison.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

The Commissioner of Public Lands (Commissioner) must appoint a local wildland fire liaison to represent the interests and concerns of landowners and the general public during any Department of Natural Resources (DNR) fire suppression activities. The role of the local wildland fire liaison is, among other things, to advise the Commissioner on landowner concerns and the availability of local fire suppression assets.

State Fire Services Mobilization.

During an emergency, when a local jurisdiction needs assistance beyond the capabilities of local resources and mutual aid agreements, a request may be made for a state fire service mobilization (Mobilization). "Mobilization" means that all risk resources regularly provided by fire departments, fire districts, and regional fire protection service authorities beyond those available through existing agreements will be requested and, when available, sent in response to an emergency or disaster situation that has exceeded the capabilities of available local resources. During a large-scale emergency, Mobilization includes the redistribution of regional or statewide risk resources to either direct emergency incident assignments or to assignments in communities where resources are needed.

The Chief of the Washington State Patrol (WSP) has the authority to mobilize jurisdictions under the Washington State Fire Services Mobilization Plan (Mobilization Plan). The purpose of the Mobilization Plan is to provide a mechanism and process to quickly notify, assemble, and deploy fire service personnel and equipment to any local fire jurisdiction in Washington that has expended or will expend all available local and mutual aid resources in attempting to manage fires, disasters, or other events that jeopardize the ability of a jurisdiction to provide for the protection of life and property. The State Fire Marshal in the WSP serves as the state fire resources coordinator when a Mobilization Plan is initiated.

Wildfire Response, Forest Restoration, and Community Resilience Account.

The Wildfire Response, Forest Restoration, and Community Resilience Account was created through legislation enacted in 2021. Funds in the Account may be spent only after appropriation and used only to monitor, track, and implement certain wildfire preparedness, prevention, and protection purposes.

Summary of Bill:

Aviation Assurance Fund Office.

The Aviation Assurance Fund Office (Office) is created within the Washington State Conservation Commission, which must provide staff support for the Office. The Office is responsible for the following:

- administering the Aviation Assurance Fund Board, described below;
- administering aviation assurance funding to local fire suppression entities; and
- submitting an annual report to the Legislature that addresses the topics described below.

A local fire suppression entity is defined as a county or tribal fire department that is responsible for the suppression of wildland fires within its jurisdiction.

The Office's annual report must address the following topics:

- the dollar value of aviation assurance funding utilized during the year;
- the recipients of aviation assurance funding during the year;
- the wildland fires on which aviation assurance funding was utilized during the year, including names, locations, and sizes of fires, among other information; and
- a review of lessons learned based on the preceding fire season, along with recommendations for future improvements to the wildland fire response process.

Aviation Assurance Fund Board.

The Aviation Assurance Fund Board (Board) must consist of the following members, appointed by a majority of the voting members of the Washington State Conservation Commission:

- two members representing local fire suppression entities serving areas located to the east of the crest of the Cascade mountains;
- one member representing a local fire suppression entity located to the west of the crest of the Cascade mountains;
- one member representing the local wildland fire liaison within the DNR; and
- one member representing the State Fire Marshal.

The Board must establish criteria to guide the award of aviation assurance funding, make funding available consistent with its criteria, and develop recommendations for improvements to the state's initial wildland fire attack capabilities among other responsibilities.

Aviation Assurance Funding Program.

Subject to the availability funding, the Office is responsible for administering the Aviation Assurance Funding Program pursuant to the requirements described below.

The Office may use aviation assurance funding only to assist local fire suppression entities with defraying the cost of contracting for private aerial fire response capabilities during the initial attack phase of fighting a wildland fire.

The Office may award aviation assurance funding only on a reimbursement basis to local fire suppression entities that meet the following three requirements:

- the local fire suppression entity must have entered into a prequalification agreement with the Office prior to the beginning of the fire season;
- the local fire suppression entity must have entered into a preemptive service agreement with a qualified wildland fire suppression contractor; and
- the local fire suppression entity must have incurred actual costs during the wildland fire season to contract for private aerial fire response capabilities during the initial attack phase

of fighting a wildland fire.

The amount of reimbursement per wildland fire incident may not exceed the amount specified in the prequalification agreement entered into between the Office and the local fire suppression entity. Actual reimbursement awards are subject to proration by the Office if costs exceed amounts appropriated for this purpose.

The Office may not award aviation assurance funding in a manner or at a rate that is inconsistent with either the prequalification agreement or the preemptive service agreement. Aviation assurance funding provided to a local fire suppression entity in a calendar year may not exceed the entity's actual invoiced costs to contract for private aerial fire response capabilities during the initial attack phase of fighting a wildland fire in the calendar year.

Wildfire Response, Forest Restoration, and Community Resilience Account.

The scope of permissible uses of funds from the Wildfire Response, Forest Restoration, and Community Resilience Account is expanded to include funding for the Aviation Assurance Funding Program.

Appropriation: None.

Fiscal Note: Requested on January 24, 2022.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.